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4 Attorney for *Plaintiffs*

5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 MARY KAY PECK, an individual,
9 Plaintiff,

10 v.

11 THE CITY OF HENDERSON, a municipality;
12 JAMES B. GIBSON, an individual; JACK
CLARK, an individual; ANDY HAFEN, an
13 individual; STEVE KIRK, an individual;
GERRI SCHRODER, an individual; and DOES
14 1 through 25.

15 Defendants.
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CASE NO. 2:09-cv-00872

**PLAINTIFF'S PRELIMINARY
RESPONSE TO DEFENDANTS'
EMERGENCY MOTION TO STAY ALL
DISCOVERY**

18 A detailed Response to Defendants' Emergency Motion to Stay All Discovery will be
19 forthcoming tomorrow, July 23, 2009.

20 Defendants' Motion fails to comply with Local Rule 26-7 (c)(2) and (3), in that
21 Defendants' failed to contact Plaintiff's counsel. The Motion was filed on July 21, 2009 at
22 approximately 2:30 p.m. and because Plaintiff's counsel and his paralegal were involved in a
23 critical meeting with the Plaintiff in this action, Plaintiff's counsel did not see the Motion until
24 approximately 6:15 p.m.

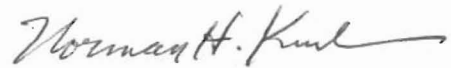
25 Defendants' projection that the Motion for Judgment on the Pleadings has a high
26 probability of success did not take into account Plaintiff's Response to that Motion, which is not
27 due until Tuesday, July 28, 2009, a date approved by the Court. However, in view of the
28 "Emergency Motion" the Response will be filed before that date.

1 Defendants fail to articulate an “emergency.” At best, they suggest prejudice in having to
2 proceed with discovery. Nor do Defendants ask for an expedited decision on the Motion for
3 Judgment on the Pleadings and Plaintiff’s Response thereto. In addition, there is no Motion for
4 Summary Adjudication by Defendants as to the issue of qualified immunity.

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7 Dated: July 22, 2009

Respectfully submitted,

8 NORMAN H. KIRSHMAN, P.C.

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